

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
Case No. 7:21-cv-00169-D

ELIZABETH KARANIK, CHARLOTTE  
KARANIK, by her parents and next friends,  
JOHN KARANIK and wife KIMBERLY  
KARANIK, and NATALIE PRESSLEY,

Plaintiffs,

v.

CAPE FEAR ACADEMY, INC.,

Defendant.

**Defendant's Fed. R. Civ. P. 12(b)(6)  
Motion to Dismiss Amended Complaint for  
Failure to State a Claim**

Defendant Cape Fear Academy, Inc. respectfully files this Motion to Dismiss Amended Complaint under Fed. R. Civ. P. 12(b)(6) and Fed. R. Civ. P. 15(a)(3). For the reasons set forth in the accompanying memorandum in support, Defendant respectfully requests that this matter be dismissed with prejudice for failure to state a claim upon which relief can be granted.

This, the 10th day of January 2022.

Respectfully submitted,

CRANFILL SUMNER LLP

/s/Patrick M. Mincey

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*Counsel for Defendant*

### Certificate of Service

I hereby certify that I electronically filed the foregoing **Motion to Dismiss Amended Complaint** with the Clerk of Court using the CM/ECF system, which will send notifications to each said party addressed as follows:

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This, the 10th day of January, 2022.

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